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 5  
 6 Attorneys for Defendant Church of  
 Scientology International

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 GERALD ARMSTRONG,

CASE NO. CV-N-97-00670 ECR (RAM)

11 Plaintiff,

**EX PARTE MOTION  
 FOR ORDER SHORTENING TIME**

12 vs.

**First Request**

13 DAVID MISCAVIGE and CATHY  
 NORMAN, individuals; CHURCH OF  
 14 SCIENTOLOGY INTERNATIONAL, a  
 California corporation; the RELIGIOUS  
 15 TECHNOLOGY CENTER, a California  
 corporation; the SEA ORGANIZATION,  
 16 a California based unincorporated entity;  
 and the CHURCH OF SCIENTOLOGY  
 17 OF TEXAS, a Texas corporation,

18 Defendants.  
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 20

21 Comes now, defendant Church of Scientology International, by and through their undersigned  
 22 attorneys of the law firm of Hale Lane Peek Dennison Howard and Anderson, hereby moves this court for  
 23 an order shortening the time for hearing on the Motion to Compel Deposition of Gerald Armstrong filed  
 24 concurrently herewith.

25 The deposition of Gerald Armstrong has been properly noticed, and is scheduled to be conducted on  
 26 August 3, 1998, at the law of Hale Lane Peek Dennison Howard and Anderson, in Reno, Nevada. Today,  
 27 opposing counsel for Gerald Armstrong, the plaintiff in this case, notified the undersigned that Mr.  
 28 Armstrong would not appear. Furthermore, opposing counsel attempted to place unreasonable conditions

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Reno, Nevada 89501


1 for securing Mr. Armstrong's presence at any deposition.

2 As this court is aware, an evidentiary hearing is scheduled for August 20, 1998, for the determination  
3 of whether this court has subject matter jurisdiction--diversity--in this case. The deposition of Mr.  
4 Armstrong is necessary to establish, under oath, Mr. Armstrong's testimony regarding his "citizenship,"  
5 which Mr. Armstrong is Nevada, but which defendants believe is California. Other facts may be necessary  
6 to establish the true domicile of Mr. Armstrong, and his deposition is critical to establish those facts.

7 There is insufficient time to allow for a regular motion cycle for the determination of defendant's  
8 Motion to Compel the appearance of Mr. Armstrong at his properly scheduled deposition. Further, this  
9 matter is required to be submitted *Ex Parte* because the undersigned has been unable to obtain the stipulation  
10 or cooperation of counsel for Mr. Armstrong. (See LR 7-5(b)).

11 This motion is made pursuant to LR 6-1, 6-2, 7-5 and 7-6, and based upon the attached memorandum  
12 of points and authority, the Affidavit of N. Patrick Flanagan, and all other pleadings on file herein. This  
13 motion, the Motion to Compel, the affidavit of Mr. Flanagan will be served on counsel for Mr. Armstrong  
14 today via facsimile, and also by U. S. Mail. **The undersigned would request that opposing counsel be**  
15 **required to file any opposition to Motion to Compel on or before Tuesday, July 28, 1998, and that**  
16 **service of any opposition be made via facsimile no later than that same day.**

17 DATED this 27<sup>th</sup> day of July, 1998.

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19   
20 N. Patrick Flanagan, Esquire  
21 Hale Lane Peek Dennison Howard and Anderson  
22 100 West Liberty Street, Tenth Floor  
23 P.O. Box 3237  
24 Reno, Nevada 89505  
25 Telephone: (702) 327-3000

26  
27 Attorneys for Defendant Church of Scientology  
28 International

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: July \_\_\_\_\_, 1998.



I, Sylvia Baldemor, declare:


I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of Hale Lane Peek Dennison Howard and Anderson. My business address is 100 W. Liberty Street, Tenth Floor, Reno, Nevada 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with Hale Lane Peek Dennison Howard and Anderson's practice for collection and processing of its outgoing mail with the United States Postal Service. Such practice in the ordinary course of business provides for the deposit of all outgoing mail with the United States Postal Service on the same day it is collected and processed for mailing.

On July , 1998, I served the foregoing **EX PARTE MOTION FOR ORDER SHORTENING TIME** by placing a true copy thereof in Hale Lane Peek Dennison Howard and Anderson's outgoing mail in a sealed envelope addressed, and via facsimile to the number indicated below, as follows:

George W. Abbott, Esquire  
George W. Abbott, Chtd.  
2245 B Meridian Boulevard  
P.O. Box 98  
Minden, Nevada 89423  
(702) 782-8362

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on July , 1998.

  
Sylvia Baldemor